

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ERIC BROWN,

Plaintiff,

vs.

USA TRUCK, INC. and JIMMY WATKINS,

Defendants.

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NO. CIV-11-856-D

AMENDED JUDGMENT

On September 11, 2013, the Court filed its Findings of Fact, Conclusions of Law and Judgment [Doc. No. 130] in this case. For the reasons set forth herein, the Court is amending the judgment for the sole purpose of altering the amount of prejudgment interest to be awarded to Plaintiff Eric Brown.

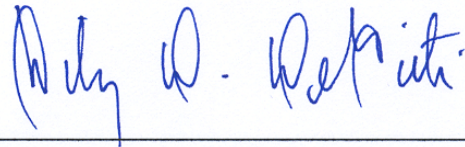
The Court has determined that the September 11 judgment reflects an incorrect prejudgment interest rate. As set out in the September 11, 2013 judgment at page 46, footnote 7, the Court applied the prejudgment interest rate dictated by the Oklahoma statute, Okla. Stat. tit. 12, § 727.1(E), and the Court applied the 2013 rate announced on January 2, 2013 by the Administrative Director of the Courts. However, the applicable statute was among several enactments held unconstitutional by the Oklahoma Supreme Court in *Douglas v. Cox Retirement Properties, Inc.*, 302 P.3d 789 (Okla. 2013). The Court has learned that, as a result, the Administrative Director of the Courts announced a new prejudgment interest rate on July 1, 2013. *See Amended Notice re: Interest on Judgments* (July 1, 2013), attached hereto. According to the revised prejudgment interest rates, the rate for the time period of July 1, 2013 through September 11, 2013 (the date of the judgment) is 5.25% rather than the rate of 0.09% originally applied to the judgment entered herein. Rates for other applicable

periods are: 0.09%, January 1, 2013 through June 30, 2013; 0.05%, 2012; and 0.13%, July 18, 2011 (filing date of the case) through December 31, 2011.¹

As a result, the Court has recalculated the prejudgment interest rate on the September 11, 2013 judgment entered herein to apply the revised rate, and the judgment is hereby amended as set forth below.

Accordingly, Plaintiff Eric Brown is entitled to prejudgment interest in the amount of \$691.65. Thus, the judgment is amended to reflect a judgment in favor of Eric Brown and against Defendants in the total amount of \$58,172.82. The Findings of Fact, Conclusions of Law and Judgment [Doc. No. 130], which is incorporated herein by reference, remains in force and effect in all respects except as specifically set forth herein.

IT IS SO ORDERED this 17th day of September, 2013.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

¹In light of the ruling in *Douglas*, prejudgment interest is applied from the date the case was filed through the date of the judgment herein.